IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 5104 of 2007(G)

PETITIONER:

BABU MATHEW,
ASARIPARAMBIL HOUSE, PIRAVOM P.O.

BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR
SRI.PREEJA P.VIJAYAN

RESPONDENTS:
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1. THE DYSP OF POLICE,
MUNNAR.

2. SUB INSPECTOR OF POLICE,
VELLATHOOVAL POLICE STATION, VELLATHOOVAL.

3. SRI. VIJAYAKUMAR MATTEKARA,
GENERAL SECRETARY, DCC (IDUKKI DISTRICT),
MURIKKASSERY, CHERUTHONI, IDUKKI DISTRICT.

BY GOVT.PLEADER SRI.P.A.SALIM FOR R1 AND R2
ADV.SMT.JOICE GEORGE FOR R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).5104/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE PURCHASE ORDER DATED 22.12.2006 ISSUED BY M/S.HINDUSTAN NEWSPRINT LTD.

EXT.P2: COPY OF THE AGREEMENT DATED 15.12.2006.

EXT.P3: COPY OF THE COMPLAINT DATED 7.2.2007 ADDRESSED TO THE 1ST RESPONDENT.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.5104 OF 2007 (G)

Dated this the 20th day of February, 2007

J U D G M E N T

KOSHY,J.

This is a petition for police protection. According to the petitioner, as per the purchase agreement they cut and stocked bamboo trees and they want to remove it on the basis of the agreement executed with the District Head load and Timber workers union (CITU) and under the leadership of the 3rd respondent some people were obstructing the same. According to the 3rd respondent they are workers in the area and they are also entitled to do the work. The area is not a scheme covered area. In the absence of any statutory provision employer is entitled to employ his own workers. If there is understanding between the unions that has to be brought out to the labour dispute. Therefore we direct the police to grant adequate protection for loading and unloading

works of the petitioner without prejudice to the rights of the workers in raising labour disputes. This writ petition is disposed of with the above directions.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007